

Senate Study Bill 1111 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

- 1 An Act modifying the criminal offense of assault.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.1, subsection 2, Code 2015, is
2 amended to read as follows:

3 2. A person commits an assault when, without justification,
4 the person knowingly does any of the following:

5 a. Any act which ~~is intended to cause~~ causes pain or injury
6 to, or which ~~is intended to result~~ results in physical contact
7 which ~~will be~~ is insulting or offensive to another, ~~coupled~~
8 ~~with the apparent ability to execute the act.~~

9 b. Any act which is intended reasonably likely to place
10 another in fear of immediate physical contact which will be
11 painful, injurious, insulting, or offensive, coupled with the
12 apparent ability to execute the act.

13 c. ~~Intentionally points any firearm toward another, or~~
14 ~~displays in a threatening manner any dangerous weapon toward~~
15 ~~another~~ Points at another or displays in a threatening manner
16 any firearm or dangerous weapon, or any object reasonably
17 likely to be perceived as a firearm or dangerous weapon.

18 Sec. 2. Section 708.2, subsection 3, Code 2015, is amended
19 to read as follows:

20 3. A person who commits an assault, as defined in section
21 708.1, and uses or displays a dangerous weapon or any object
22 reasonably likely to be perceived as a firearm or dangerous
23 weapon in connection with the assault, is guilty of an
24 aggravated misdemeanor. This subsection does not apply if
25 section 708.6 or 708.8 applies.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill modifies the elements of the criminal offense of
30 assault.

31 Code section 708.1 sets out three separate and distinct
32 ways to commit an assault. The bill modifies all three ways
33 to commit such assaults by eliminating the element of specific
34 intent.

35 The amendment to Code section 708.1(2)(a) modifies the

1 elements to prove an assault by changing the perpetrator's
2 intent from a person doing any act which is "intended to
3 cause" or "intended to result in" injury which is offensive to
4 another to a "person knowingly" doing any act that "causes"
5 or "results in" injury which is offensive to another. The
6 amendment to Code section 708.1(2)(a) also requires physical
7 contact to occur for an assault by changing any act which
8 is "intended to result in physical contact" to any act which
9 "results in physical contact". The bill also changes Code
10 section 708.1(2)(a) by providing that the physical contact
11 "is insulting or offensive" rather than "will be insulting or
12 offensive" and by striking a provision that requires the person
13 committing the assault to have an apparent ability to execute
14 the act.

15 The amendment to Code section 708.1(2)(b) modifies the
16 elements to prove assault by changing the perpetrator's intent
17 from a person doing an act "intended to place another in fear
18 of immediate physical contact" to a person knowingly doing an
19 act which is "reasonably likely to place another in fear of
20 immediate physical contact".

21 The amendment to Code section 708.1(2)(c) substitutes the
22 phrases "intentionally points" a firearm and "intentionally
23 displays" any dangerous weapon in a threatening manner with
24 "knowingly" points at another or displays in a threatening
25 manner any firearm or dangerous weapon. The bill also changes
26 Code section 708.1(2)(c) by making it an assault to knowingly
27 point "any object reasonably likely to be perceived as a
28 firearm or dangerous weapon".

29 The amendment to Code section 708.2(3) makes related changes
30 due to the amendment in Code section 708.1(2)(c). The bill
31 specifies that a person commits an aggravated misdemeanor
32 assault if the person uses or displays any object reasonably
33 likely to be perceived as a firearm or dangerous weapon in
34 connection with the assault.

35 By modifying the definition of assault in Code section

1 708.1, the bill also modifies the definition of the following
2 criminal offenses; murder in the first degree in Code section
3 707.2, domestic abuse assault in Code section 708.2A, assault
4 in violation of individual rights in Code section 708.2C,
5 assault while participating in a felony in Code section
6 708.3, assaults on persons engaged in certain occupations in
7 Code section 708.3A, inmate assaults in Code section 708.3B,
8 nonconsensual termination of a pregnancy in Code section 707.8,
9 assault to commit sexual abuse in Code section 709.11, any
10 robbery offense in Code chapter 711 because of the definition
11 of robbery, any burglary offense in Code chapter 713 because of
12 the definition of burglary in Code section 713.1, aggravated
13 theft in Code section 714.3A, interference with official acts
14 in Code section 719.1(2), disorderly conduct in Code section
15 723.4(6), and violation of individual rights in violation of
16 Code section 729A.2.

17 The bill may impact the ability of a juvenile to obtain a
18 driver's license pursuant to Code section 232.52(2)(a), and
19 affects student suspensions and expulsions in Code section
20 282.4, the definition of domestic abuse in Code section 236.2,
21 forcible felonies in Code section 702.11, felons or others
22 who possess firearms in Code section 724.6, persons required
23 to submit to a medical test in Code section 905.15, and the
24 eligibility to receive a deferred judgment for an assault on a
25 peace officer in Code section 907.3.